

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, SEPTEMBER 2, 2010, 1:00 P.M.**

CALL TO ORDER

Bill Mitchell, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Bill Mitchell	Pat Haukohl	Walter Kolb	
	Bob Peregrine	Fritz Ruf	Gary Goodchild	Jim Siepmann

Commission

Members Absent: None

Staff

Members Present: Jason Fruth, Planning and Zoning Manager
Elfriede Sprague, Clerk Typist III
Peggy Tilley, Senior Land Use Specialist

Guests Present: Charles Ross (CU-1534)
Jake Schlafer (ZT-1705)
Kyle Kohlmann – Seasonal Services (CU-1534)

CORRESPONDENCE: None

- **MEETING APPROVAL:** Southeast Area Land and Water Conservation Association Fall Tour hosted by Washington County, September 23, 2010, 8:30 a.m. to 3:45 p.m.

Mr. Siepmann moved, seconded by Mr. Peregrine and carried unanimously for approval of Mrs. Haukohl to attend the Southeast Area Land and Water Conservation Association Fall Tour hosted by Washington County on September 23, 2010.

MINUTES: Approval of the August 5, 2010, Minutes

- *Mrs. Haukohl moved, seconded by Mr. Peregrine and carried unanimously for approval of the August 5, 2010, Minutes.*

PUBLIC COMMENT

Chairperson Mitchell asked if anyone from the audience wished to address the Commission? With no public comment, he moved to the next item on the agenda.

SCHEDULED MATTER

- **1:00 p.m. Park System Update by Duane Grimm, Park System Manager**

Mr. Grimm gave a brief update of Park revenues through the end of July and other Park System items as outlined below:

- Reservation and camping revenues are down slightly from 2009, possibly due to the hot and rainy July weather.
- Boat launch and concession revenues are up.
- Daily entrance and annual sticker revenue is up approximately \$95,000 from 2009.

- The dog exercise areas in Minooka and Nashotah Park continue to do well.
 - The new Retzer maintenance building is scheduled to be completed in time for Apple Harvest Fest, September 18th, with some inside work remaining. The project includes a large maintenance facility and a natural land management work area where activities can be hosted. The items of interest will include geo-thermal heat, solar tubes, fluorescent and LED lighting and sensor activated light and fan controls. There will be on demand hot water, hand dryers instead of paper towels, permeable pavers and several rain gardens.
 - The Muskego Park flush toilet restrooms are essentially complete. They were designed to be an addition to the picnic shelters and the shelters can now provide users with running water.
 - The Lake Country Trail paving project is scheduled to be completed by November.
 - The Fox River Park prairie planting is proceeding and should help to minimize park maintenance and weeds in that area.
 - It has been another successful year with volunteers and as of August 31st, 1,273 volunteers have provided the Parks with 4,625 hours of service work, not including Retzer Nature Center or special use events to date.
- **ZT-1705 (Marvin Sr. and Kathleen Schlafer), Town of Lisbon, Section 6 (A-10 Agricultural to the A-3 Agricultural/Residential Estate District)**

Mr. Fruth presented the “Staff Report and Recommendation” dated September 2, 2010, and made a part of these Minutes. He pointed out the location of the property in the NW ¼ of Section 6, Town of Lisbon on the aerial photograph on the south side of C.T.H. “Q”, immediately adjacent to the east town lines of Lisbon and Merton.

Jake Schlafer stepped forward and identified himself as the petitioner’s son and the recipient of the 3 acre parcel. Mr. Fruth stated that the approval of this request will allow the creation of a three acre single family residential home site for the petitioner’s son. The owner will retain ownership of the remainder of the acreage which he plans to continue farming. Washington County, which has jurisdiction over permitting requirements along that stretch of C.T.H. “Q” has stated they would prefer to see the driveway access point proposed for the 3 acre parcel as far east as possible for sight distance issues. The Town has conditioned the request upon the parcel being 3 acres and that the parcel is created by Certified Survey Map.

After discussion, Mr. Ruf moved, seconded by Mr. Peregrine, and carried unanimously for approval, as conditioned by the Town, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **CU-1533 (Michael and Tracy Lehrmann) Town of Genesee, Section 26**

Mr. Fruth presented the “Staff Report and Recommendation” dated September 2, 2010, and made a part of these Minutes. He pointed out the location of the property at W295 S5283 Holiday Oak Court in the Town of Genesee on the aerial photograph and indicated the request is for after the fact approval of land-altering activities associated with the construction of several retaining walls.

He explained the petitioner is proposing to create a level area in the rear of the residence for a garden and child’s play area. The Holiday Oaks subdivision plat identifies this lot as being entirely within the Environmental Corridor and the proposed land disturbance is located within the plat approved building envelope. It is near a grassy area that was previously created as yard; it is sloping and will require several retaining walls, none being higher than 3.5 ft.

Mrs. Haukohl questioned the location of the retaining walls and if they were designated on Exhibit "B". Mr. Kahlmann of Seasonal Services outlined their location. She noted wall construction was not included in Condition No. 1 and suggested it be included in the condition. Mr. Fruth explained the reason for the Conditional Use is because the land-altering activities exceed the volume provision of the Zoning Code. The retaining walls themselves do not need approval; however they are an integral part of a larger grading project.

He noted that although the project area is in an area of steep slopes, the area of disturbance on the nearly 8 acre site including the residence, yard, and proposed area of disturbance is less than one acre of the allowable 1.5 acres. Moreover, all of the disturbance is within the allowable building envelope.

Mr. Fruth asked if the petitioner was comfortable with the September 30, 2010 restoration deadline (Condition No. 6) that was established by the Town? Mr. Kahlmann replied, "The grading and seeding will be completed by September 30th."

After discussion, Mrs. Haukohl moved, seconded by Mr. Kolb, and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation" with Condition No. 1 amended to read.

- 1. The proposed land-altering activities and wall construction shall be substantially in compliance with the plan submitted with a revision date of July 20, 2010 (Exhibit "B").*

The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **CU-1534 (Charles and Lynn Ross) Town of Genesee, Section 26**

Mr. Fruth presented the "Staff Report and Recommendation" dated September 2, 2010, and made a part of these Minutes. He pointed out the location of the property at S53 W29876 Holiday Road in the Town of Genesee on the aerial photograph and indicated the request is for land-altering activities associated with the filling of a depression on the west side of the existing driveway on the property.

Mr. Fruth explained fill was temporarily stockpiled on Mr. Ross's property from a road construction project. He is requesting to remove the fill from its current location and use the material to fill a 2 ft. wide depression on the west side of his driveway. Mr. Ross identified the area to be filled on the GIS map and indicated it follows a tree line. He wants to fill the area because in the spring time it fills with garlic mustard and would like to plant it with grass for easier maintenance and weed control. Mrs. Haukohl asked if the project is to follow Exhibit "B" and if so, then the Staff Recommendation should state that. Mr. Fruth acknowledged that Exhibit "B" is the proposed plan and the Staff Recommendation would be changed to include the reference.

Mr. Siepmann asked if Staff felt there would be a problem putting fill over the tree roots. Mr. Ross replied there are two pines, four oaks, five hickory's, thirty five buckthorn and twenty seven black walnuts, so out of the seventy three trees in that area, sixty two of them are invasive species according to the Wisconsin Dept. of Natural Resources. He is not planning on cutting down any trees and the fill depth should not be more the two ft. Mr. Fruth added that Land Resources has looked at the project and felt that with some care there should not be any problems given the shallow proposed depth of the 12 ft. by 380 ft. fill area.

After discussion, Mr. Peregrine moved, seconded by Mr. Ruf, and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with a modification to include “as depicted in Exhibit “B” under the Staff Recommendation heading. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **Village of Summit Update by Jason Fruth**

Mr. Fruth informed the Commission that the Town of Summit incorporated in the last week of July to become a Village. Before incorporation the County made a proposal to continue to provide shoreland zoning services to the Village; however they elected to contract with Yaggy Colby and Associates instead. Consequently, the County had to decide how administration enforcement happens going forward on projects that are already active, pending and long term. A copy of the State Statutes on incorporated annexed shoreland rules was passed out and the options were summarized by Jason. He continued that the Village has opted to operate under option 3 (ad) which suggests that provisions of the county shoreland ordinance that were applicable prior to incorporation will remain applicable in the new Village. This is because this incorporation is occurring after the April 30, 1994 date that states the provisions of the county shoreland ordinance shall continue in effect and shall be enforced after incorporation by the incorporated Village, unless the Village exercises another option provided for under Section 59.69 of the State Statutes. The Village staff has indicated to the County they don't anticipate exercising any of the three options in the near term. So as of today, the effective ordinance in the shoreland area is the County Shoreland Ordinance unchanged. An agreement was reached that future rezones in the Village of Summit would continue to involve the County because those are essentially changes, deletions and modifications to the Shoreland Ordinance and the affected Zoning Map. The Commission will continue to see some Village of Summit rezonings. These rules apply to shoreland lands that were either annexed after 1982 or incorporated after 1994. The Planning and Zoning Division Staff has compiled a list of all pending Village projects and related information and passed those to John Macy and Henry Elling of the Village. A copy of the list was also given to the DNR. A mutual agreement was reached for the County to finish a few of the long standing projects, because they were so close to completion. Mr. Mitchell commented does this mean the Village will administer and enforce the Shoreland Ordinance and the County will only be involved with rezoning to which Mr. Fruth replied, “Yes.”

• **Update on “Foolery’s Liquid Therapy” complaint**

Mr. Fruth presented the “Staff Memorandum” dated September 2, 2010, and made a part of these Minutes. He stated that Foolery’s Liquid Therapy is operating under a Site Plan/Plan of Operation that was issued on January 15, 2010 and was not subject to Planning Commission review. On June 9th, the Town of Oconomowoc Planner sent a letter to the operator indicating the Town had received numerous complaints regarding noise, litter, etc. Subsequently, the County sent out a letter to the operator requesting cooperation in correcting the Site Plan/Plan of operation issues.

On June 22, a meeting was held with Jeff Herrmann, Peggy Tilley and the operator to discuss the issues. Mrs. Tilley added at the meeting the operator said they would do their best to control things within their property boundaries; however once patrons leave the boundaries there is nothing they can do. On July 12, 2010 the Planning and Zoning Division office received an anonymous letter sent from “A Concerned Local Resident” addressed to the Town Plan Commission and the County Park and Planning Commission.

On July 19, 2010 the Town Plan Commission discussed the issues and additional or similar concerns were

raised during the public comment portion of the meeting. The Police Chief was there and asked that all complaints be forwarded to him and it was suggested that unmarked squads or bicycle patrols be put in the area.

At their meeting on August 16, 2010, the Town Plan Commission again asked the Town Planner to write a letter outlining what is not in compliance with the Plan of Operation. The Police Chief was in attendance and he commented many open intoxicants came from people arriving at the bar before they entered and that drunken people came to the bar from their boats. He added that if the problem persisted they would station a squad in the parking lot and try to take care of problems as they occur. He also indicated that he would meet with the owner to try to solve some of the problems.

On August 18, 2010, the Town Planner sent a letter to the operator outlining comments/concerns with the operation in relation to the Site Plan/Plan of Operation approval. The letter also asked for the operators cooperation in correcting the issues in a timely manner and requested his presence at the September 20, 2010, Town Plan Commission meeting. The County Planning and Zoning Division staff intends to send a violation letter outlining the outstanding issues with the Site Plan/Plan of Operation.

Mr. Peregrine added there are a few other issues that need to be resolved which are not part of the Site Plan/Plan of Operation. He noted it is a busy bar and parking is an issue in the area, but felt most of the problems could be eliminated with the owner's cooperation.

ADJOURNMENT

With no further business to come before the Commission, Mr. Kolb moved, seconded by Mr. Siepmann to adjourn at 2:30 p.m.

Respectfully submitted,

Pat Haukohl
Secretary

PH:es